

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 5610 OF 2005

Office Notes, Office

Memoranda of Coram,

appearances, Court's

orders or directions

and Registrar's orders.

Court's or Judge's orders

Mr. V.A. Thorat, Senior Advocate i/b.
M/s.Kishore Thakordas & Co., for the
Petitioners

CORAM : F.I. REBELLO, J.

DATED : 18th October, 2005

P.C.

. The Application for amendment has been allowed. One of the prayers sought in the amendment is for recovery of possession. On behalf of the petitioners learned Counsel states that this would not be meant to understand that the amendment relates back to the date of the plaint. The suit was filed in the year 2004. According to the Plaintiffs the possession was lost in 1985. In the light of that they should not be precluded from raising plea of limitation.

2. On perusal of the impugned order there is nothing set out that would indicate that

the petitioners herein are barred from raising the pleas which they are entitled to in law including the plea of limitation and jurisdiction. In para.3 of the order which is the only paragraph dealing with allowing of the amendment, there is no such observation. In other words what that means is that the petitioner can raise all objections, which they are entitled to in law in the written statement to be filed. Considering the above, petition disposed of accordingly.

(F.I. REBELLO J).